



Bulletin #2012-012 13 – Jun – 2012

Subject:
Claims and Protests Changes

Overview:

The procedures for handling violations of the rules, assessment of penalties and appeal of those penalties, as described in the rules, are out-of-date, inconsistent and do not always correspond to what happens in practice. Because of this, these rules are being changed.

The terms 'inquiries' and 'protests' will no longer be used. Instead, there will be 'scoring inquiries' for questioning time assessment penalties and 'claims' for all other issues. Protest Committees and Courts of Appeals will no longer be formed. Instead, the Rally America President (or his designee) will handle appeals. Appeals and the responses to those appeals will be on a shorter time schedule.

Effective immediately, the following rule changes are made.

1. Replace the fourth paragraph of Article 1.2.B.3 with the following:
 3. As described in Article 8.3, any event official or participant may request a review. These requests shall all be submitted in writing. If a steward witnesses a rule infraction or the unsafe or unsporting behavior of an event participant, he shall initiate a review request.
2. Replace the fourth paragraph of Article 1.7.A with the following:

Organizers will make all attempts possible to list in the Supplementary Regulations any deviations from the PRR (as "exceptions"). However, changes occurring at the last minute, before, and during the event, and published in written bulletins on the notice board or as written instructions from bona fide officials, must be deemed official and correct. If these instructions are not posted on the notice board, the organizers shall ensure that all competitors affected are notified appropriately. A claim ~~protest~~ may not be based on the fact that certain changes to these Rules and Supplementary Regulations were not listed as exceptions before the event.
3. Add the following definitions to Article 1.9:

Event Official

Also referred to as 'Rally Official'. Anyone serving an official role on

behalf of a rally during the running of that event. Examples include stewards, event operational chiefs listed in the sanction agreement, scrutineers, stage captains, control crews, marshals, course opening and closing vehicle occupants, sweep crew, radio net operators, etc. Media, sponsors and spectators serving solely in those roles are not considered event officials.

Participant

A driver, co-driver or service crew member who has signed the liability release waiver (refer to Article 4.6).

4. Replace Article 7.4.H with the following:
 - H. A confirmed encounter with moving non-rally traffic on a stage shall be grounds for a claim ~~protest~~ or automatic action by the Event Steward. If a competitor encounters moving non-rally traffic, they should stop the civilians and hold them until they (and the next competitors) can decide the best course of action to ensure that the civilians do not continue down the stage and endanger all involved.
5. Replace Article 7.15.B with the following:
 - B. Scores shall be signed by the Event Chairman or Event Steward and posted. The Provisional results become Official results after 30 minutes or after the resolution of all review requests plus 5 minutes additional review time (whichever occurs later). If an intent to appeal has been filed (refer to Article 8.4), the results will be declared "Official Pending Appeal". Otherwise, the results will be declared "Official". Once the results have been declared Official they are not subject to any further claim. The Event Steward may correct any obvious errors until the results are declared "Official Final" (refer to Article 7.15.C). Differences between "Official Pending Appeal" results and "Official Final" results will not affect trophies awarded at the event, but may change the awarding of championship points and seeding.
6. Replace Article 7.15.C with the following:
 - C. After the event, the Event Steward will submit the Official results to Rally America. After one business day of receiving those results or after the resolution of any outstanding appeals (whichever is later), Rally America will declare the results "Official Final".

Results, including all categories on the Rally America results form, will be posted on the Rally America web site within 24 hours of being declared Official Final. For a national rally, these results must include break down of leg-by-leg results in addition to totals, for all contestants, finishers and non-finishers, as well as finishing position. Results must also include class designations for finishers and non-finishers.

7. Replace the opening of Article 8.3 with the following:

8.3 REVIEW REQUEST

The right to request a review lies with any competitor who may consider himself/herself aggrieved by any decision, act or omission of anyone associated with the rally. Event officials or participants may also request a review of any potential violation(s) of the PRR.

8. Replace Article 8.3.A with the following:

A. Types of review request

1. Scoring Inquiry

A driver or co-driver may inquire about the time assessment(s) (described in Article 8.1) scored to their team or any other team. These are limited to such issues as incorrect stage times, early or lateness at controls, but not cases of force majeure or speeding penalties. Results of inquiries shall be approved by a steward and, once posted, may be subject to appeal.

2. Claim

All penalties other than those resulting from a Scoring Inquiry will originate as a "claim" by an event official or participant. All claims will be resolved by the stewards and, once posted, may be subject to appeal. Any claim originated by a steward must be approved by the other stewards at national events or by the Event Chairman in the case of regional events.

9. Replace the first and second paragraphs of Article 8.3.D with the following:

A claim (~~protest~~) against the legality of a competition vehicle by a fellow competitor shall be lodged no later than the claimant's ~~protester's~~ arrival at the final time control (MTC) of the event.

A claim (~~protest~~) against the legality of a competition vehicle by the Competition Director, the Chief Scrutineer, or their delegate, shall be lodged no later than the time of posting of the Provisional results.

10. Replace the fourth paragraph of Article 8.3.D with the following:

Failure by the entrant of a claimed vehicle to allow an inspection of that vehicle shall result in immediate disqualification from the event. Any vehicle found ~~by the Protest Committee~~ to be in violation of vehicle eligibility or preparation shall be penalized by the Event Steward as listed in Article 8.2.

11. Replace Article 8.4 with the following:

8.4. APPEALS

Any event official or participant shall have the right to appeal any decision of the steward(s). A written notice of intention to appeal must be given to the Event Steward no later than 10 minutes after the announcement that the Provisional results have become Official. The

notice must include a filing fee of \$1,000 for National events and \$200 for Regional events. Payment must be made in cash or by credit card.

The appellant will have 48 hours to present their argument in writing to the Event Steward. Failure to file within the deadline will result in withdrawal of the appeal and return of half of the filing fee. Formal, written, withdrawal of the appeal before the deadline will result in return of the entire filing fee.

All Appeals shall be considered by the President of Rally America (or his designee). He shall have 48 hours to respond, in writing, to the Appeal. The President is free to utilize any resources he desires to reach his decision which will be final and binding. Failure to respond before the deadline will result in finding in favor of the appellant and return of the entire filing fee. Should the President designate someone to respond to the Appeal, that person shall clearly have no conflict of interest in the matter.

12. Replace Article 8.5.B with the following:

B. Charges

Any event official or participant charged with an offense under this Article shall be fully apprised of the charges and afforded an opportunity to answer them in writing to Rally America.

13. Replace Article 11.4 with the following:

Any event official or participant so charged who in Rally America's judgment is guilty of unsportsmanlike conduct or other reprehensible behavior in connection with a national rally shall be disciplined by Rally America. Such discipline will be from the range of penalties described in Article 8.2 or as described below as deemed commensurate with the nature and gravity of the offense:

14. Replace Article 11.4 with the following:

11.4. ENFORCEMENT

Event scrutineering will only ensure safety compliance. Compliance with Historic Class rules will be enforced among Historic Class competitors at each event. It is suggested that all Historic Class competitors meet for mutual inspection of the cars following event scrutineering at a time posted on the Official Notice Board by the Historic Class Chairman. Any conflicts shall be resolved at that time among the competitors, by majority vote. In case of a tie vote the Historic Class Chairman shall cast the deciding vote. Non-Historic Class competitors may not protest Historic Class eligibility. Following First Car Out, no claims ~~protests~~ may be lodged by any competitor regarding Historic Class eligibility.

Questions regarding this bulletin received by Rally America from licensed Drivers and Co-Drivers will be answered in writing.